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03/24/2015

**By ECF**The Hon. Judge Joseph F. Bianco  
United States District Court  
Eastern District of New York  
Long Island Federal Courthouse  
100 Federal Plaza  
Central Islip, NY 11722-9014**RE:** Jennifer Rodriguez vs. 21<sup>st</sup> Century Cosmetic Dental Lung Chao DS,  
P.C. Case # 13-CV-06806

Dear Judge Bianco:

I refer this letter to your attention due to the presence of language in the prior scheduling order referring to a pretrial order. According to the rules of Magistrate Shields, extensions of time concerning pretrial orders must be made to the District Judge.

Defendant makes this unilateral request to extend the deadlines detailed in the scheduling order of December 19, 2014. Both parties have conferred regarding this request and Plaintiff has withheld consent for an extension of the deadlines contained in the order. Plaintiff contends that an extension is not warranted as discovery is complete in this matter.

Defendant takes the opposite position, however. Thus far, written discovery has been exchanged between both parties and a single deposition has been held; that of Plaintiff Jennifer Rodriguez. This deposition was held on February 24, 2015, and numerous requests for further documents were made by Defendant in light of the testimony offered in the deposition. Plaintiff has been on notice of these requests since the day

of the deposition; however Defendant has been unable to issue written demands until receipt of the transcript from the reporting agency.

Furthermore, Defendant wishes to depose a non-party who has relevant information concerning the case, and whose identity was only disclosed in this deposition.

Finally, in its initial disclosures Plaintiff names two further non-parties whom Defendant wishes to depose. Thus far Defendant has, despite numerous efforts, been unable to complete service of subpoenas on these individuals.

Absent receipt of the outstanding documentation requested, and the completion of depositions, Defendant does not possess all of the facts necessary to make a comprehensive dispositive motion pursuant to Rule 56. For the above reasons, Defendant seeks an extension of the discovery deadlines.

There has been one prior request for adjournment or extension of these deadlines.

The Original deadlines are as follows:

- **March 11, 2015:** Completion of all discovery, inclusive of expert discovery.
- **March 25, 2015:** Any party planning to make a dispositive motion must take the first action beginning the motion process by this date or risk forfeiting the right to make such a motion.
- The pretrial conference scheduled for February 4, 2015 is adjourned to **April 15, 2015 at 11:30 a.m.** in courtroom 820 of the Central Islip courthouse. A joint proposed pretrial order in compliance with the district judge's requirements must be electronically filed prior to this conference.

The proposed amended scheduling order is as follows:

- **June 17, 2015:** Completion of all discovery, inclusive of expert discovery.
- **July 1, 2015:** Any party planning to make a dispositive motion must take the first action beginning the motion process by this date or risk forfeiting the right to make such a motion.
- The pretrial conference scheduled for April 15, 2015 is adjourned to **July 15, 2015, or July 22, 2015, or July 29, 2015, at 11:30 a.m.** in courtroom 820 of the Central Islip courthouse. A joint proposed pretrial order in compliance with the district judge's requirements must be electronically filed prior to this conference.

We are thankful for the Court's consideration

Respectfully Submitted,

\_\_\_\_\_/s/\_\_\_\_\_  
Daniel Grace